YUKON PUBLIC SERVICE
STAFF RELATIONS BOARD

TWENTY-EIGHTH ANNUAL REPORT
1997-1998

COMPOSITION OF THE BOARD

Chairperson:	Yvon Tarte
Vice-Chairperson:	P. Chodos
Deputy Chairpersons:	Marguerite-Marie Galipeau M. Korngold Wexler
Part-Time Adjudicators:	Beth Bilson Stephen Kelleher Judy Korbin Stan Lanyon Kenneth E. Norman Colin Taylor, Q.C.

102-07251/

REPORT ON THE ADMINISTRATION OF THE YUKON PUBLIC SERVICE STAFF RELATIONS ACT FOR THE FISCAL YEAR ENDING MARCH 31, 1998

INTRODUCTION

During the year under review, the Board dealt with 29 matters involving one application for certification, one application for a declaration of a deadlock in negotiations, one referral to the Board for the designation of employees essential for the safety or security of the public and 25 grievances dealing with disciplinary matters or the interpretation of the collective agreement.

APPLICATION FOR CERTIFICATION

One application for certification together with a request for interim relief was filed before the Board by the Professional Institute of the Public Service of Canada seeking certification for employees working in the Nursing occupational group. The application related to approximately 60 nurses engaged in the delivery of health services previously employed by the Government of Canada. The applicant was the certified bargaining agent for those employees in the Nursing Group when they were employed by the Government of Canada. The responsibility for the provision of health services was transferred to the Yukon Territorial Government on April 1, 1997 and the applicant was seeking an order from the Board that they continue to act as bargaining agent for those employees in the Nursing Group employed by the Government of the Yukon. The Public Service Alliance of Canada, as intervenor in this matter, objected to the application on the grounds that the Alliance was certified by the Board as the bargaining agent for all employees including nurses employed by the Government of the Yukon. The application for certification was withdrawn by the Institute prior to the hearing of this matter.

SAFETY OR SECURITY DESIGNATIONS / STATEMENT OF ESSENTIAL SERVICES

Section 42 requires the employer to furnish a statement of the employees in a bargaining unit whose duties at any particular time are necessary in the interest of the safety or security of the public.

One such case was filed during the previous year by the employer and, following negotiations and discussions with the Public Service Alliance of Canada, the certified bargaining agent, the parties came to an agreement as to the employees whose duties were essential to the safety or security of the public. Consequently, a decision was issued by the Chairperson designating the employees whose names appeared on the listing provided by the employer and agreed to by the bargaining agent.

DEADLOCK IN NEGOTIATIONS

Section 49 of the Act provides that, where the employer and the bargaining agent for a bargaining unit have bargained collectively in good faith with a view to concluding a collective agreement but have failed to reach an agreement, either party may inform the Chairperson that negotiations have broken down and request the Chairperson to declare that a deadlock exists.

One such request was filed with the Board by the employer and a declaration was issued declaring that a deadlock existed in a dispute affecting the Public Service Alliance of Canada and the Government of the Yukon.

CONCILIATION BOARD

Section 65 of the Act specifies that, where a bargaining agent has specified conciliation as the dispute resolution process, either party may, by notice to the Chairperson, request the establishment of a conciliation board for the investigation and conciliation of the dispute.

One such application for the establishment of a conciliation board was filed during the year. The conciliation board, however, was not established since the parties had not met the requirements of section 66(a) of the Act whereby a conciliation board shall not be established until such time as the parties have agreed or the Board has determined the employees in the bargaining unit who are designated as essential to the safety or security of the public. The establishment of the conciliation board is expected to take place early in the next fiscal year.

APPEALS / ADJUDICATION

The Board dealt with 25 cases during the period under review of which 12 were carried over from the previous fiscal year.

Of the 25 cases, 13 dealt with disciplinary matters and the remaining 12 were grievances arising from the interpretation of the collective agreement.

The Board disposed of nine cases during the year and the remaining 16 cases are scheduled to be heard during the next fiscal year.